

1964

## CONGRESSIONAL RECORD — SENATE

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road retirement benefits under this minimum provision, account will be taken of the 5-percent increase in social security benefits, and the higher maximum creditable wage base. Failure to make the change that I propose would be a breach of faith with railroad employees because they have been constantly assured of the congressional policy that they would receive in benefits the minimum amount provided by this minimum guarantee provision.

## SURVIVOR BENEFITS

Benefits to survivors of railroad employees are payable either under the Railroad Retirement Act or the Social Security Act but not both, with service credits under both systems being combined to determine eligibility for, and the amount of, the benefits. In general, benefits are paid under the railroad retirement system if the employee had a current connection with the railroad industry at the time of his death. As you know, the maximum annual creditable compensation under the Railroad Retirement Act now is \$5,400 a year. Under present law, as well as under H.R. 11865, social security wages credits may not be included to increase the combined creditable yearly earnings above \$4,800 in calculating the benefits to survivors of employees under the regular railroad retirement formula even though the bill would increase the \$4,800 to \$5,400 a year for the Social Security Act.

My amendment would permit wage credits to be added to the railroad service credits to permit the use of a maximum \$5,400 a year in calculating monthly survivor benefits under the Railroad Retirement Act in order to give effect to the longstanding congressional policy of coordination between the two systems.

## BENEFITS FOR CHILDREN OVER 18 WHILE ATTENDING SCHOOL

The bill H.R. 11865 would provide benefits for children between the ages of 18 and 21 inclusive, who are not now entitled to benefits, unless disabled, to be paid while those children attend recognized schools. It is obvious that the children of deceased railroad employees should also have these rights. My amendment would so provide.

## FINANCIAL EFFECTS

According to the actuary of the Board, the total effect of the bill with my amendments on the financial condition of the railroad retirement system would be to increase the costs of the system by \$6.4 million a year causing the projected deficit to be \$25.4 million a year, or 0.60 percent of taxable payroll, as compared with the present deficit of about \$19 million a year or 0.43 percent of taxable payroll. In the light of the importance of these changes, the slight increase in the deficit is, in my opinion, justified.

The additional cost of \$6.4 million a year which I have cited is made up of the difference between additional benefit payments which the railroad retirement system will have to make and additional income derived from the change in the tax rate which would come about by the deletion of section 16(d) of the

bill and additional gains from the financial interchange which would result from the unamended bill H.R. 11865 as well as from the amended bill. The additional benefits payable by the railroad retirement system will amount to \$27.7 million of which \$6 million would be payable under the unamended bill. The additional taxes come to \$11.2 million and the additional gains from the financial interchange amount to \$10.1 million a year on a level basis.

As stated earlier, the amendment I propose to section 1(q) of the Railroad Retirement Act would continue the guarantee that railroad employees and their dependents would get at least 110 percent of what they would have been entitled to under the social security system. This would increase benefit expenditures of the railroad retirement system by \$19.2 million a year. An additional \$2.5 million a year would come about because of the provision permitting children 18-21 to receive benefits while attending school. The remaining \$6 million a year would be payable under either the amended or unamended bill H.R. 11865 and is due to the increase in the maximum spouse's benefit which is related to the maximum wife's benefit under the Social Security Act but which is not dependent on the reference in section 1(q) of the Railroad Retirement Act.

Mr. President, I now introduce the amendments to H.R. 11865 to which I have referred, and ask that the amendments be printed and referred to the Committee on Finance.

I also ask unanimous consent that the amendments be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD, as requested by the Senator from Illinois.

The amendments (No. 1213) were referred to the Committee on Finance, as follows:

Strike out beginning with line 25 on page 46 and down to and including line 14 on page 47 and in line 15 on page 47 change the designation "(e)" to "(d)". On page 47 after line 19 insert the following:

"AMENDMENT PRESERVING RELATIONSHIP BETWEEN RAILROAD RETIREMENT AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE SYSTEMS

"Sec. 17. (a) Section 1(q) of the Railroad Retirement Act of 1937 is amended by striking out '1961' and inserting in lieu thereof '1964'.

"(b) The last sentence of section 5(j) of such Act is amended by inserting before the period at the end thereof the following: 'except that this sentence shall not operate to prevent the payment of an annuity to an individual for a month solely because during such month he ceases to be a "full time student"'. "

"(c) Section 5(1)(1)(ii) of such Act is amended by inserting after 'years of age' the following: ', or shall be a full-time student and less than twenty-two years of age'.

"(d) Section 5(1)(1) of such Act is amended by inserting before the semicolon at the end thereof the following: '. The term "full-time student" shall for the purposes of this section have the meaning

ascribed to it by section 202(d)(8) of the Social Security Act, and the references to the Secretary therein shall be deemed to be references to the Board. For the purposes of subsection (e) of section 2, and subsection (b) of this section, a child who has attained the age of eighteen years and who is not under a disability which began before the child attained age eighteen, shall be deemed not entitled to benefits under subsection (c) of this section'.

"(e) Section 5(1)(9) of such Act is amended by striking out 'after 1958 is less than \$4,800' and inserting in lieu thereof the following: 'after 1958 and before 1965 is less than \$4,800, or for any calendar year after 1964 is less than \$5,400'; and by striking out 'and \$4,800 for years after 1958', and inserting in lieu thereof the following: '\$4,800 for years after 1958 and before 1965, and \$5,400 for years after 1964'.

"(f) The amendments made by subsections (b) and (c) shall be effective with respect to annuities under the Railroad Retirement Act of 1937 for months after the month in which this Act is enacted but only (except as provided in the next sentence) on the basis of an application filed with the Board in or after the month in which this Act is enacted. In the case of an individual who was entitled to an annuity under section 5 of the Railroad Retirement Act of 1937 for the month in which this Act is enacted such amendments shall apply to annuities for months after the month in which this Act is enacted."

## PRESIDENTIAL SUCCESSION—ADDITIONAL COSPONSORS OF SENATE JOINT RESOLUTION 139

Mr. BAYH. Mr. President, I ask unanimous consent that the name of the Senator from New York [Mr. JAVITS] and the name of the Senator from North Carolina [Mr. ERVIN] be added as cosponsors of Senate Joint Resolution 139, relating to presidential succession.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, the joint resolution deals with the nagging problem which has confronted this country since its inception; namely, that we have no way of providing a means for filling vacancies that have existed 16 times in the office of the President, nor for the problem of disability in the office of the President.

I hope the Senate can deal with this problem before the session is over.

It is a distinct pleasure to be joined by Senator JAVITS and Senator ERVIN as cosponsors of this resolution. Both of these gentlemen are noted constitutional scholars and their support of this amendment will greatly enhance its possibility of adoption.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. JAVITS. I feel that, though I started out with a resolution on my own, on the question of disability and succession, now that the American Bar Association has taken a position it is important that we close ranks behind some solution. I believe the solution proposed by the Senator from Indiana is equal to that problem. In order to close ranks, I am honored to join with the Senator in his joint resolution.

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Mr. BAYH. I would like to point out for the RECORD that the effort which has been made by that body and the suggestion of the Senator from New York that we arrive at a consensus is an indication of and emphasizes the need. It is high time a consensus was reached and united effort was made to get a solution, and not to diversify our efforts.

Mr. JAVITS. Mr. President, this is "must" legislation.

S. 2184 would increase annuities payable to certain annuitants from the Civil Service retirement and disability fund.

S. 2144 would provide for the recomputation of annuities of retired employees who elected reduced annuities at the time of retirement, in order to provide survivor annuities for their spouses.

Those wishing to testify may arrange to do so by calling the committee offices on 225-5451.

## NOTICE OF HEARINGS ON CERTAIN BILLS

Mr. JOHNSTON. Mr. President, as chairman of the Committee on Post Office and Civil Service, I wish to announce that public hearings have been scheduled by the retirement subcommittee on S. 991, S. 2184, and S. 2144 for Wednesday, August 19, 1964, at 10 a.m. in room 6200 of the new Senate Office Building.

S. 991 would amend the Civil Service Retirement Act to provide for the inclusion in the computation of accredited service of certain periods of service rendered States or instrumentalities of States.

## ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until 10 o'clock a.m. tomorrow, in accordance with the previous order.

The motion was agreed to; and (at 6 o'clock and 38 minutes p.m.) the Senate, under the previous order, adjourned until tomorrow, Wednesday, August 12, 1964, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate August 11 (legislative day of August 10), 1964:

## IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Read Adm. Lloyd M. Mustin, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

## IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

Maj. Gen. Richard Davis Meyer, O18963, Army of the United States (brigadier general, U.S. Army), in the grade of lieutenant general.

## IN THE AIR FORCE

Maj. Gen. Paul S. Emrick, 1801A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President in the grade of lieutenant general, under the provisions of section 8066, title 10, of the United States Code.